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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,478	09/15/2003	James R. Trethewey	42P17784	2896
59796	7590	01/19/2007		
INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER HA, LEYNNA A	
			ART UNIT	PAPER NUMBER
			2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/663,478

Applicant(s)

TRETHEWEY ET AL.

Examiner

LEYNNA T. HA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. Claims 1-28 have been examined and are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moles, et al. (US 6,505,048).**

#### **As per claim 1:**

Moles discloses a method comprising:

receiving a request from a requestor for a location property associated with a location of a computer system; and **(col.2, lines 10-15 and col.6, lines 21-22; The computer system can broadly be given as a wireless mobile station as disclosed by Moles (col.4, lines 48-53). Moles teaches the operator is the claimed requestor who is doing the requesting. The requestor of Moles may also be a user of wireless mobile station.)**

determining whether a privacy preference associated with the requestor has been specified. **(col.2, lines 24-26 and col.2, line 66 – col.3, line 2;**

**Moles discusses the claimed privacy preference as the privacy flag where a value that has been set determines whether information of the location of the mobile station is to be transmitted.)**

Examiner have shown different citations throughout the Moles reference where the background and the present invention reads on the claimed invention. It is obvious for a person of ordinary skills in the art the background (i.e. columns 1-2) of the invention teaches known technologies and Mole's current invention (i.e. columns 3-6) combined is the new improvement of the technologies disclosed in the background.

**As per claim 2:** See col.2, lines 36-39 and col.2, line 66 – col.3, line 2; discussing if a privacy preference associated with the requestor has been specified, applying the specified preference to determine whether to provide the location property to the requestor.

**As per claim 3:** See col.2, lines 24-26 and 61-63 and col.7, lines 14-18; discussing preventing the location property from being provided to the requestor if the privacy preference specifies that the location property is to be kept private, and providing the location property to the requestor if the privacy preference specifies that the location property is to be disclosed to the requestor.

**As per claim 4:** See col.9, lines 52-54; discussing if a privacy preference associated with the requestor has not been specified, requesting a privacy preference associated with the requestor from the user.

**As per claim 5:** See col.6, lines 21-24; discussing requesting includes providing a pop-up dialog box.

**As per claim 6:** See col.6, lines 57-65; discussing providing a pop-up dialog box includes enabling a user to selectively enable and disable privacy for individual location properties.

**As per claim 7:**

Moles discloses a method comprising:

enabling a user to selectively enable and disable location-aware computing; and **(col.2, lines 34-48)**

preventing a location property from being provided to a requestor if the user has disabled location-aware computing. **(col.2, lines 24-26 and 61-63 and col.7, lines 14-18)**

**As per claim 8:** See col.6, lines 57-61 and col.9, lines 51-60; discusses enabling the user to selectively enable and disable location-aware computing includes providing an option during basic input/output system configuration to enable and disable location-aware computing.

**As per claim 9:** See col.2, lines 36-39 and col.2, line 66 – col.3, line 2; discusses setting a location privacy setting bit in response to the user selectively enabling or disabling location-aware computing.

**As per claim 10:** See col.6, lines 56-57; discusses setting the location privacy setting bit includes setting a bit in BIOS memory.

**As per claim 11:** See col.2, lines 10-41 and col.6, lines 57-61; discusses receiving a request for the location property from the requestor, and querying the location privacy setting bit to determine whether location-aware computing is enabled or disabled.

**As per claim 12:** See col.9, lines 9-34 and 50-60; discusses setting and querying are performed using Advanced Configuration and Power Interface (ACPI)-based techniques.

**As per claim 13:**

Moles discloses a machine-accessible medium storing instructions that, when executed by a machine, cause the machine to:

in response to receiving a request from a requestor for a location property, determine whether a privacy preference associated with the requestor has been specified; and **(col.2, lines 10-40 and col.2, line 66 – col.3, line 2; Moles discusses the claimed privacy preference as the privacy flag where a value that has been set determines whether information of the location of the mobile station is to be transmitted.)**

if a privacy preference associated with the requestor has been specified **(col.2, lines 34-48)**, applying the privacy preference to determine whether to provide or withhold the location property. **(col.6, lines 57-61 and col.9, lines 27-31 and 50-54)**

Examiner have shown different citations throughout the Moles reference where the background and the present invention reads on the claimed

invention. It is obvious for a person of ordinary skills in the art the background (i.e. columns 1-2) of the invention teaches known technologies and Mole's current invention (i.e. columns 3-6) combined is the new improvement of the technologies disclosed in the background.

**As per claim 14:** See col.9, lines 52-54; discloses if a privacy preference associated with the requestor has not been specified, request that the privacy preference be specified.

**As per claim 15:** See col.6, lines 21-24; discloses provide a pop-up dialog box to request the privacy preference.

**As per claim 16:** See col.2, line 66 – col.3, line 2; discloses determine whether the machine is enabled for location-aware computing.

**As per claim 17:** See col.7, lines 14-45; discloses if the machine is not enabled for location-aware computing, preventing the machine from providing the requested location property regardless of whether the privacy preference has been specified and, if specified, regardless of the contents of the privacy preference.

**As per claim 18:**

Moles discloses a method comprising:

in response to receiving a request for a location property from a requestor, determining whether a computer system is enabled for location-aware computing; **(col.2, lines 10-26 and col.2, line 66 – col.3, line 2; Moles discusses the claimed privacy preference as the privacy flag where a value**

**that has been set determines whether information of the location of the mobile station is to be transmitted.)**

if the computer is enabled for location-aware computing, determining whether a privacy preference associated with the requestor has been specified;  
**(col.2, lines 36-40)**

if the privacy preference associated with the requestor has been specified, applying the privacy preference to determine whether to provide the location property; and **(col.2, lines 34-48 and col.9, lines 27-31 and 50-54)**

if the privacy preference associated with the requestor has not been specified, requesting the privacy preference associated with the requestor.  
**(col.6, lines 57-61)**

Examiner have shown different citations throughout the Moles reference where the background and the present invention reads on the claimed invention. It is obvious for a person of ordinary skills in the art the background (i.e. columns 1-2) of the invention teaches known technologies and Mole's current invention (i.e. columns 3-6) combined is the new improvement of the technologies disclosed in the background.

**As per claim 19:** See col.6, lines 21-24; discloses requesting the privacy preference comprises providing a pop-up dialog box.

**As per claim 20:** See col.2, line 66 – col.3, line 2 and col.6, lines 56-57; discloses determining whether a computer system is enabled for location-



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aware computing comprises determining a value stored in a location privacy setting in basic input/output system (BIOS) memory.

**As per claim 21:** See col.6, lines 56-57; discloses enabling a user to enable and disable location-aware computing through a BIOS configuration routine.

**As per claim 22:** See col.9, lines 9-34 and 50-60; discloses using WMI/ACPI instrumentation techniques to set and determine the value stored in the location privacy setting.

**As per claim 23:**

Moles discloses a system comprising:

a bus to communicate information; **(col.5, lines 21-22)**

a processor coupled to the bus; **(col.4, lines 51-57)**

a memory coupled to the bus to store information; **(col.2, lines 65-66)**

an antenna coupled to the bus to receive a signal to indicate a location of the system; and **(col.2, lines 5-15)**

a machine-accessible storage medium storing instructions that, when executed by the processor, cause the system to:

in response to receiving a request for a location property associated with the system from a requestor, determine whether a privacy preference associated with the requestor has been specified; and **(col.2, lines 10-40 and col.2, line 62 – col.3, line 2; Moles discusses the claimed privacy preference as the privacy flag where a value**

**that has been set determines whether information of the location of the mobile station is to be transmitted.)**

if a privacy preference has been specified, apply the privacy preference to determine whether to provide the requested location property. **(col.2, lines 34-48 and col.9, lines 27-31 and 50-54)**

Examiner have shown different citations throughout the Moles reference where the background and the present invention reads on the claimed invention. It is obvious for a person of ordinary skills in the art the background (i.e. columns 1-2) of the invention teaches known technologies and Mole's current invention (i.e. columns 3-6) combined is the new improvement of the technologies disclosed in the background.

**As per claim 24:** See col.2, line 66 – col.3, line 2; discloses the machine-accessible storage medium further stores instructions that, when executed by the processor, cause the system to determine whether the system is enabled for location-aware computing.

**As per claim 25:** See col.2, line 66 – col.3, line 2 and col.6, lines 56-57; discloses the memory includes a basic input/output system (BIOS) memory and wherein determining whether the system is enabled for location-aware computing includes determining a value stored in a location in the BIOS memory.

**As per claim 26:** See col.9, lines 52-54; discloses storing instructions that, when executed by the processor, cause the system to request the privacy

preference associated with the requestor if it is determined that the privacy preference associated with the requestor has not been specified.

**As per claim 27:** See col.6, lines 21-24; discloses requesting the privacy preference includes providing a pop-up dialog box.

**As per claim 28:** See col.4, lines 45-65; discloses the requestor is one of a client application and a location-based service.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHa

  
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